

Representative LaVar Christensen proposes the following substitute bill:

ZONING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: LaVar Christensen

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to municipal and county land use.

Highlighted Provisions:

This bill:

- ▶ addresses residential zoning districts;
- ▶ provides that a recovery residence shall comply with all generally applicable land use ordinances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-516, as repealed and reenacted by Laws of Utah 2013, Chapter 309

17-27a-515, as repealed and reenacted by Laws of Utah 2013, Chapter 309

Be it enacted by the Legislature of the state of Utah:



26 Section 1. Section **10-9a-516** is amended to read:

27 **10-9a-516. Regulation of residential zoning districts and residential facilities for**
28 **persons with disabilities.**

29 (1) There is a presumption that a zoning district that is primarily for single-family
30 residential use is not an appropriate location for a business, unless the business owner operates
31 the business out of the business owner's primary residence.

32 (2) A municipality may only regulate a residential facility for persons with a disability
33 to the extent allowed by:

34 [~~(1)~~] (a) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

35 [~~(2)~~] (b) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and
36 applicable jurisprudence; and

37 [~~(3)~~] (c) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

38 (3) A recovery residence, as defined in Section [62A-2-101](#), shall comply with all
39 generally applicable land use ordinances, including public hearing and notice provisions.

40 Section 2. Section **17-27a-515** is amended to read:

41 **17-27a-515. Regulation of residential zoning districts and residential facilities for**
42 **persons with disabilities.**

43 (1) There is a presumption that a zoning district that is primarily for single-family
44 residential use is not an appropriate location for a business, unless the business owner operates
45 the business out of the business owner's primary residence.

46 (2) A county may only regulate a residential facility for persons with a disability to the
47 extent allowed by:

48 [~~(1)~~] (a) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

49 [~~(2)~~] (b) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and
50 applicable jurisprudence; and

51 [~~(3)~~] (c) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

52 (3) A recovery residence, as defined in Section [62A-2-101](#), shall comply with all
53 generally applicable land use ordinances, including public hearing and notice provisions.